



# California Regulatory Notice Register

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APRIL 15, 2005

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. COMMISSION ON STATE MANDATES

#### TITLE 2. ADMINISTRATION DIVISION 2. FINANCIAL OPERATIONS CHAPTER 2.5. COMMISSION ON STATE MANDATES

#### NOTICE OF PROPOSED RULEMAKING

The Commission on State Mandates (Commission) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The Commission will conduct a public hearing on May 30, 2005, for this proposed action if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at **5:00 p.m. on May 30, 2005**. The Commission will consider only comments received at the Commission offices by that time. Submit comments to:

Cathy Cruz, Program Analyst  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

#### AUTHORITY AND REFERENCE

Government Code section 17527, subdivision (g), authorizes the Commission to adopt the proposed regulations. The purpose of this rulemaking is to conform the Commission's regulations to statutory changes made by AB 2856 (Stats. 2004, ch. 890) regarding filing, hearing, and determining test claims and adopting parameters and guidelines.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission is a seven-member quasi-judicial body authorized to resolve disputes regarding the existence of state-mandated local programs (Gov. Code, § 17500 et seq.) and to hear matters involving applications for a finding of significant financial distress (Welf. & Inst. Code, § 17000.6). The purpose of this rulemaking is to implement AB 2856 (Stats. 2004, ch. 890), which made the following statutory changes that require the Commission to initiate this rulemaking:

- The definition of test claim was modified. (Gov. Code, § 17521)
- The state mandates claims fund was abolished and implementation statutes were repealed. (Gov. Code, §§ 17517 and 17610)
- The content of a test claim filing was specified in statute, adding new requirements and specificity. (Gov. Code, § 17553)
- The statute of limitations for filing test claims was reduced to 12 months. (Gov. Code, § 17551)
- The applicable reimbursement period for filing a test claim amendment was clarified. (Gov. Code, § 17557, subd. (e))
- The Commission was authorized to adopt a *reasonable reimbursement methodology* in parameters and guidelines. (Gov. Code, §§ 17518.5 and 17557, subds. (b), (f))
- The reimbursement period was specified for parameters and guidelines amendments. (Gov. Code, § 17557)
- The Controller's claiming instructions are derived from the test claim decision and adopted parameters and guidelines. (Gov. Code, § 17558)
- Claims for direct and indirect costs must be filed in the manner prescribed in the parameters and guidelines and claiming instructions. (Gov. Code, § 17564, subd. (b))

Therefore, the Commission proposes to amend sections 1181, 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.1, 1183.11, 1183.12, 1183.2, 1183.21, 1183.3, 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4, and 1189.6; to add sections 1183.12, 1183.13, and 1183.14; and to repeal sections 1184, 1184.1, 1184.2, and 1187.1 of the California Code of Regulations, title 2, chapter 2.5, division 2.

Under Article 1. General, the Commission proposes to make substantive amendments to sections 1181.1, 1181.2, and 1181.3. Section 1181.1 amends the definition of "amendment," "Commission staff," "statewide cost estimate," and "written material." It also strikes the former definition of a "test claim."

Sections 1181.2 and 1181.3 clarify and facilitate the use of electronic mail and the Commission's website in lieu of service by first-class mail.

Under Article 3. Test Claims, the Commission proposes to make substantive amendments to sections 1183, 1183.01, 1183.04, 1183.1, 1183.12, 1183.2, 1183.3; and to add sections 1183.12, 1183.13, and 1183.14. Section 1183 will make substantive and technical conforming changes to update the statute of limitations requirement; repeal duplicative content requirements for test claims; repeal obsolete procedures for filing duplicate test claims; and authorize the executive director to dismiss any test claim, or portion of a test claim, that the Commission lacks jurisdiction to hear for any reason, subject to an appeal to the Commission. Section 1183.01 will allow Commission staff to toll the timelines for up to 60 days when it is notified that a reasonable reimbursement methodology may be developed, and will repeal the obsolete 90-day tolling period for consolidation of duplicate test claims. Section 1183.04 will add consideration of a reasonable reimbursement methodology to the purpose of an informal conference, and will specify other methods for providing public notices. Section 1183.1 will update the content of parameters and guidelines to include a reasonable reimbursement methodology; and if applicable, offsetting revenues, reimbursements, fees, and offsetting savings. Section 1183.2 will repeal duplicative references to filing dates and reimbursement periods, and will clarify the content of a proposed amendment. Section 1183.3 will specify that Commission staff may also develop a statewide cost estimate based on the application of a reasonable reimbursement methodology.

The new section 1183.12 will add an alternate expedited process for parameters and guidelines by authorizing Commission staff to prepare draft proposed parameters and guidelines to assist the successful test claimant. This process proposes that, in lieu of filing proposed parameters and guidelines, the claimant will be required to review and provide comments and clarifications, if necessary, on the draft staff proposal. The new section 1183.13 will specify a process for receiving and reviewing a proposed reasonable reimbursement methodology, as defined in Government Code section 17518.5. The new section 1183.14 is former section 1183.12 renumbered, and will add that staff's recommendation may include a reasonable reimbursement methodology.

The Commission proposes to repeal Article 4. Mandates Recognized by the Legislature, including sections 1184, 1184.1, and 1184.2 because these regulations are now obsolete. These sections implemented payment of claims from the State Mandates Claims Fund that no longer exists.

Under Article 7. Hearings, the Commission proposes to make substantive amendments to sections 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4, and 1189.6; and to repeal section 1187.1. Section 1187 will repeal obsolete text, will specify that a test claim is set for hearing when the draft staff analysis is issued, and will include language regarding notice of hearing from current section 1187.1. Section 1187.1 will be repealed because notice requirements were moved to section 1187 and the remaining text is duplicative. Section 1187.4. will specify other methods for providing public notices. Section 1188.1 will clarify that the Commission may adopt the proposed decision on the same day as the hearing on the claim. Section 1188.3 will clarify that if the withdrawal is of a test claim, or portion thereof, the procedures described in section 1183.08 must be followed before dismissal. Section 1188.4 will clarify that this section applies to reconsiderations requested pursuant to Government Code section 17559, subdivision (a).

Under Article 8.5, the Commission proposes to make substantive amendments to section 1189.6, which will clarify the duty of the executive director to develop and issue forms, after holding a workshop with interested parties and state agencies, subject to appeal to the Commission.

Sections 1181, 1183.02, 1183.03, 1183.05, 1183.06, 1183.07, 1183.08, 1183.11, 1183.21, 1187.2, and 1187.3 will make only minor, non-substantive, and technical amendments.

#### **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Commission has made the following initial determinations:

Mandate on local agencies and school district: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other non-discretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses:

"The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action."

Significant effect on housing costs: None

Adoption of these regulations will not:

(1) create or eliminate jobs within California;



- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

*Small Business Determination:* Because the Commission has no jurisdiction over small businesses, the proposed regulatory action will have no impact on small businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Cathy Cruz, Program Analyst  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 323-3562

The backup contact person for these inquiries is:

Nancy Patton, Assistant Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 323-3562

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Cruz at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Commission order to initiate rulemaking proceedings. Copies may be obtained by contacting Ms. Cathy Cruz at the address

or phone number listed above. All persons on the Commission's interested persons mailing list will automatically be sent a copy of the rulemaking file.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, and holding a public hearing, if necessary, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Cathy Cruz at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Cathy Cruz at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.csm.ca.gov](http://www.csm.ca.gov).

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### AMENDMENT

#### STATE AGENCY:

Coastal Conservancy

A written comment period has been established commencing on **April 15, 2005** and closing on **May 30, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention **Trish Mayer**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly

authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **May 30, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### **COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### **EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### **AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### **REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### **CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### **AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### **TITLE 2. STATE LANDS COMMISSION**

#### **TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION**

#### **ARTICLE 4.6. Ballast Water Regulations for Vessels Arriving at California Ports or Places after Departing from Ports or Places within the Pacific Coast Region**

The California State Lands Commission (the Commission) proposes to adopt the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

#### **PROPOSED REGULATORY ACTION**

The Commission proposes to adopt Section 2280, 2281, 2282, 2283, and 2284 under new Article 4.6 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (C.C.R.). These sections would establish regulations governing the management of ballast water taken on within the Pacific Coast Region by vessels arriving at a California port or place. Provisions are also included to provide a process for the submission and approval of petitions for alternatives to Article 4.6, should such cases occur.

#### **PUBLIC HEARING**

The Commission Staff will hold two public hearings. The first will begin at 10.00 a.m. on June 2, 2005 at the Port of Long Beach Board Room, 925 Harbor Plaza, 6th Floor, Long Beach, CA 90802 and the second will begin at 10.00 a.m. on June 8, 2005 at the Elihu M. Harris State Building, 1515 Clay Street, Room 9, Oakland, CA 94612. Both locations are wheelchair accessible. At the hearings, any person may present statements or arguments orally or in writing, relevant to the proposed regulatory

action described in the Informative Digest. The Commission requests, but does not require, that persons who make oral comments at the hearings also submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 p.m. on June 8, 2005. All written comments must be received at the Commission, by that time. Written comments should be submitted to:

Livin Prabhu  
Supervisor, Planning Branch  
California State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802-4246

#### AUTHORITY AND REFERENCE

P.R.C. Section 71207 describes the State program to regulate discharges of ballast water in order to limit the introduction of nonindigenous species. In enforcing the provisions of the Act, the Commission is authorized to adopt the proposed regulations, which would implement, interpret or make specific P.R.C. Section 71204.5.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

P.R.C. Section 71204.5, which became effective January 1, 2004, requires the Commission adopt regulations governing ballast water management practices for vessels arriving at a California port or place from a port or place within the Pacific Coast Region. Under Section 71200(j), "Pacific Coast Region" is defined as all coastal waters on the Pacific Coast of North America east of 154 degrees W longitude and north of 25 degrees N latitude, exclusive of the Gulf of California. Section 71204.5 also mandates the Commission to consider vessel design and voyage duration in developing these regulations. The section further requires the Commission to develop the regulations based on the best available technology economically achievable and shall be designed to protect the waters of the state. Finally, the Commission in developing the regulations shall include, as appropriate, restrictions or prohibitions on discharge of ballast water containing nonindigenous species into areas in and outside estuaries and into ocean areas shown to have a capacity to retain organisms.

Accordingly, the proposed regulation would implement and make specific the ballast water management requirements under P.R.C. Section 71204.5. Without the regulations, the purpose of the Act as described in P.R.C. Section 71201(d) cannot be achieved.

Section 2280 would state the purpose of the regulation.

Section 2280(b) would specify the vessels and voyages to which these regulations apply.

Section 2280(c) would identify the date of implementation of the regulation.

Section 2281 would specifically describe special safety circumstances under which a vessel may not be required to perform ballast water management as directed in Article 4.6 of section 2284. It identifies the person(s) responsible for determining if a vessel has encountered such a circumstance, the person(s) responsible for the safety of the vessel and persons on board, and describes the obligations a vessel must strive to fulfill on those occasions.

Section 2282 would narrowly define several key terms that are used throughout the language of the regulation to describe management requirements and regulation applicability. These definitions ensure that the ballast specific management practices are clear to the shipping industry, and compliance occurs as intended by the regulation.

Section 2283(a) would describe a process for the submission and approval of petitions for alternatives to Article 4.6, should such cases occur. Alternatives proposed in petitions must fulfill the purpose of the regulation in section 2280 (a), and will be approved or withdrawn by the Commission.

Section 2284 would describe ballast water management options that have been deemed the most biologically effective and economically feasible action moving the state expeditiously toward the elimination of the discharge of nonindigenous species into the waters of the state.

#### DIFFERENCES FROM FEDERAL REGULATIONS

Recognizing the severity of the problem, the federal government implemented a voluntary national ballast water management and reporting program in July 1999. In September 2004, the federal government made mandatory this voluntary ballast water management program for vessels entering the United States. However, this mandatory program does not apply to vessels operating inside the United States Exclusive Economic Zone (U.S. EEZ). The transport of ballast water in marine vessels is recognized as a major vehicle through which aquatic nonindigenous invasive species (NIS) are spread. Current California law requires that vessels originating from places outside of the U.S. EEZ manage ballast water to reduce the discharge of nonindigenous organisms in California



waters. However, there is currently no ballast management requirement for vessels that arrive in California ports from places within the U.S. EEZ, and in particular, the Pacific Coast Region, even though research has shown that there is a significant threat for such voyages to facilitate the establishment and spread of NIS throughout a region.

The ballast water management practices prescribed by these proposed regulations are necessary to minimize the transport of Pacific Coast Region NIS into the waters of the State of California.

#### PLAIN ENGLISH DETERMINATION AND OVERVIEW

##### Small Business Determination

The Commission has determined that these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342.610, because all affected businesses are commercial maritime transport owners and operators, as specified under Gov. C. Section 11342.610(c)(7) and having annual gross receipts of more than \$1,500,000.

##### Plain English Policy Overview

The proposed regulations have been drafted in a plain and straightforward manner and do not contain technical terms that require a plain English policy overview.

#### ESTIMATED COSTS TO THE STATE

No costs to the State would be incurred in implementing and enforcing these proposed regulations. The programs mandated by the Act are funded exclusively by the Marine Invasive Species Control Fund, through fees collected from the owners of vessels subject to the Act. Since the regulations here proposed are already mandated by the Act, the regulations will not increase costs to the State.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Costs or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Part 7 (commencing with section 17500) of Division 4 of the Government Code. None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Costs or savings in federal funding to the state: None.

Cost impact on private persons or directly affected businesses: For each voyage that would be subject to the proposed regulations, but that would not otherwise be subject to the existing California ballast water management regulations, incremental costs would include the per voyage fee of \$500. Based on

information provided by members of the regulated community, in some instances, changes in voyages and ballast water management practices could result in incremental costs for a voyage in an amount between \$3000 and \$40,000. These assertions have not been verified. Furthermore, of the 450 ship owners that have operated in California waters in the past 18 month, only four (4) responded to the Commission's request for cost impacts, and only one of the four companies assert cost impacts of approximately \$40,000 per voyage. Such additional operational costs would occur, if at all, for less than 10% of those voyages which would not otherwise be subject to the existing ballast water regulations, but would be subject to the new requirements.

Creation or elimination of jobs within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of jobs within the State of California.

Creation of new businesses or the elimination of existing businesses within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of businesses within the State of California.

Expansion of businesses currently doing business within the State of California: The Commission has determined that the proposed regulations would not have a significant impact upon expansion of businesses currently doing business within the State of California.

The Commission has made an initial determination that the action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Gov. C. Section 11346.5, sub. (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the Commission's attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearings or during the written comment period.



**CONTACT PERSON**

Inquiries concerning the substance of the proposed action may be directed to:

Maurya B. Falkner  
Environmental Program Manager I  
State Lands Commission  
Marine Facilities Division  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202  
Telephone: (916) 574-2568

Or to:

Mark A. Meier  
Senior Staff Counsel  
State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202  
Telephone: (916) 574-1853

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Livin Prabhu  
Supervisor, Planning Branch  
State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802-4246  
Telephone: (562) 499-6400

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS**

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

Following the hearing and considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin Prabhu at the address indicated above. The Commis-

sion will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Livin Prabhu at the address or telephone number listed above.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations, can be accessed through the Commission's website at: [http://www.slc.ca.gov/Division\\_Pages/MFD/MFD\\_Programs/Ballast\\_Water/Ballast\\_Water\\_Default.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Programs/Ballast_Water/Ballast_Water_Default.htm)

**TITLE 2. STATE  
LANDS COMMISSION**

**TITLE 2. ADMINISTRATION  
DIVISION 3. STATE PROPERTY OPERATIONS  
CHAPTER 1. STATE LANDS COMMISSION  
ARTICLE 4.5. MARINE INVASIVE  
SPECIES CONTROL**

The California State Lands Commission (the Commission) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Commission proposes to amend Section 2271 under Article 4.5 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). This section would amend the fee to be paid by vessels calling at California ports (the Fee). The Fee is to be used for the Marine Invasive Species Control Fund (the Fund) under Division 36 of the Public Resources Code (P.R.C.) entitled, "Marine Invasive Species Act," established under Chapter 491, Statutes of 2003 (the Act). The proposed regulation would decrease the Fee from five hundred dollars (\$500) per vessel per voyage to four hundred dollars (\$400) per vessel per voyage if the vessel has traveled outside of California. Provisions are also included whereunder the Commission's Executive Officer would appoint a technical advisory group (TAG) to provide recommendations with regard to the Fee.

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission.

The written comment period closes at 5.00 pm on Tuesday May 31, 2005. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Livin Prabhu  
Supervisor, Planning Branch  
California State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802

#### **PUBLIC HEARING**

The Commission has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### **AUTHORITY AND REFERENCE**

P.R.C. Section 71207 describes the State program to regulate discharges of ballast water in order to limit the introduction of nonindigenous species. In enforcing the provisions of the Act, the Commission is authorized to adopt the proposed regulations, which would implement, interpret or make specific P.R.C. Section 71215.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

P.R.C. Section 71215 created the Fund and requires the Commission to establish a reasonable and appropriate Fee to carry out the activities required by the Marine Invasive Species Act. It also mandates that the Fee may not exceed one thousand dollars (\$1,000) per vessel voyage. Under P.R.C. Section 71215(c), the State Board of Equalization shall collect the fee from the owner or operator of each vessel that arrives at a California port of place from a port or place outside California. That fee may not be assessed on any vessel arriving at a California port or place if that vessel comes directly from another California port or place and during that transit has not first arrived at a port or place outside California or moved outside the EEZ prior to arrival at the subsequent California port of place.

Accordingly, the proposed regulation would amend the Fee requirement under P.R.C. Section 71215(b)(1). The Fee is required to fulfill the specific multi-agency tasks mandated by the Act. However, the current Fee amount (\$500 per vessel per voyage) is expected to produce revenues that will exceed the costs of the programs mandated under the act. Section 2271(a) of the CCR would set the exact amount of the fee to be used to support the programs required under the Act at four hundred dollars (\$400) per vessel voyage.

#### **DIFFERENCES FROM FEDERAL REGULATIONS**

Recognizing the severity of the problem, the federal government implemented a National ballast water exchange and reporting program in July 1999, but it was voluntary for vessels entering the United States and consists of little more than information gathering at the present time. In September 2004, the federal government made mandatory this voluntary ballast water management program for vessels entering the United States. The Federal monitoring program provides for review of shipboard ballast exchange records and selective ballast water sampling. The Federal program does not contain a mechanism to research alternative methods of ballast water management. The state program established a mandatory, statewide, multi-agency ballast water management and control program. Responsible agencies include the Commission, Department of Fish and Game, State Water Resources Control Board and the Board of Equalization. Each agency is required to work in cooperation with the others in developing reports and conducting research into the extent of current invasions, and potential long-term solutions to the problem of nonindigenous species introductions. All the activities required by the Act are paid for through the Fund.

#### **SMALL BUSINESS DETERMINATION**

The Commission has determined that these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342.610, because all affected businesses are commercial maritime transport owners and operators, having annual gross receipts of more than \$1,500,000, as specified under Gov. C. Section 11342.610(c)(7).

#### **ESTIMATED COSTS TO THE STATE**

No costs to the State would be incurred in implementing and enforcing these proposed regulations beyond those collected in the Fund. Since the regulation here proposed is limited to amending a fee to pay for programs already mandated by the Act; the regulations will not increase costs to the State. While the various programs mandated under the Act are estimated to cost approximately \$3,109,000 each year until the Act expires under its current terms, all of those programs are mandated by the Act; none can be attributed to the regulatory action here proposed. Under this proposal, the Fee would be set at a level that is expected to provide revenues equal to costs required to implement the Act. No costs will be incurred by the State in implementing any or all programs mandated by the Act beyond the amounts generated through collection of the Fee.

## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Costs or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Part 7 (commencing with section 17500) of Division 4 of the Government Code. None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impact on private persons or directly affected businesses: All vessel owners or operators affected by the proposed amended regulation will be required to pay a fee of four hundred dollars (\$400) per vessel voyage. This will provide a one hundred dollar (\$100) relief per vessel voyage to directly affected businesses.

Creation or elimination of jobs within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of jobs within the State of California.

Creation of new businesses or the elimination of existing businesses within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of businesses within the State of California.

Expansion of businesses currently doing business within the State of California: The Commission has determined that the proposed regulations would not have a significant impact upon expansion of businesses currently doing business within the State of California.

The Commission has determined that the action will not have a significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission has determined that no alternative considered by it would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to

alternatives to the proposed regulations at the above-mentioned hearings or during the written comment period.

## CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Maurya B. Falkner  
Environmental Program Manager I  
California State Lands Commission  
Marine Facilities Division  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202  
Telephone: (916) 574-2568

Or to:

Mark A. Meier  
Senior Staff Counsel  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202  
Telephone: (916) 574-1853

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Livin Prabhu  
Supervisor, Planning Branch  
California State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802  
Telephone: (562) 499-6400

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified

regulations should be sent to the attention of Livin Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Prabhu at the above address.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: [http://www.slc.ca.gov/Division\\_Pages/MFD/MFD\\_Programs/Ballast\\_Water/Ballast\\_Water\\_Default.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Programs/Ballast_Water/Ballast_Water_Default.htm)

### **TITLE 3. DEPARTMENT OF PESTICIDE REGULATION**

#### **Criteria Used for Allocation of the Department of Pesticide Regulation's Mill Assessment Funds to Counties DPR Regulation No. 05-001**

#### **NOTICE OF PROPOSED REGULATORY ACTION**

The Department of Pesticide Regulation (DPR) proposes to amend sections 6391, 6393, 6394, and 6396, and repeal section 6395 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action pertains to the criteria used for allocation of DPR's mill assessment funds to county agricultural commissioners (CACs) for use in their pesticide use enforcement programs.

#### **SUBMITTAL OF COMMENTS**

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on May 30, 2005. Comments regarding this proposed action may also be transmitted via e-mail at <dpr05001@cdpr.ca.gov>, or by facsimile (FAX) transmission at (916) 324-1452.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.<sup>1</sup>

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<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

#### **EFFECT ON SMALL BUSINESS**

DPR has determined that the proposed regulatory action does not affect small business. The proposed action would apply only to the allocation of DPR's mill assessment funds to CACs for use in their pesticide use enforcement programs.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

DPR is mandated by state and federal law to protect human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight includes extensive scientific product evaluation and registration, and statewide licensing and certification of commercial applicators, brokers, dealers, and advisers. The field enforcement of regulations governing pesticide use is carried out by the CACs under the supervision of DPR.

The funding for the local pesticide field enforcement activities comes from four sources-mill assessment, locally generated fees and penalties, county general fund (GF), and unclaimed gas tax. The allocation of funds needed to administer local pesticide programs is largely contingent upon the budget decisions of each individual county.

Over the past two years, the availability of county GF has resulted in reductions in some pesticide use enforcement programs. The reduction of county GF has exposed serious flaws in how pesticide use enforcement is funded. The reliance on county GF for approximately one-third of the pesticide use enforcement program poses a serious problem in and of itself, but there is also a more fundamental structural problem that exists. The disbursement of the mill assessment and unclaimed gas tax specifically depend upon the expenditure of county funds (i.e., county GF). Mill assessment and gas tax funds are disbursed to the counties in proportion to each county's expenditures. The unavailability of county GF can result in an erosion of pesticide use enforcement funding. The state is left with little ability to influence the outcomes of the local pesticide enforcement programs. The net result is that the state has no control over the pesticide use enforcement resources available in any particular county. This creates a situation in which the areas of the state that may need the greater enforcement resources sometimes fail to receive them, while other areas may receive more than the average. The pesticide regulatory program funding is thereby disjointed and disconnected from DPR and the county prioritization process, resulting in a lack of uniformity and stability in program delivery and confusion within the regulated community. DPR believes that the availability of county GF should not dictate the distribution of resources for pesticide use enforcement.



Under statute and regulation, DPR distributes mill assessment to the counties as partial reimbursement for their cost of carrying out the pesticide enforcement program. Mill assessment is a fee levied on the sale of pesticides sold in California. All pesticides offered for sale or use in California must first be registered by DPR. Persons who sell DPR-registered pesticide products in California are assessed a mill (\$.001) fee based on dollar sales of the products sold within or into the state. DPR receives 71 percent of its funding from this mill assessment. The amount subvented to the counties equals the revenue derived from 7.6 mills of the total mill assessment revenue collected by DPR.

DPR proposes to amend sections 6391, 6393, 6394, and 6396, and repeal section 6395. Proposed section 6393 would replace existing disbursement criteria with new criteria that simplifies and prioritizes the order for the allocation of the total mill assessment funds available for disbursement. This creates a new funding baseline for counties built on historical workload, pest control activities, costs, and performance, and provides a means to distribute funds based on county needs as they are related to pesticide sales and use.

Currently, DPR staff evaluate each county's pesticide use enforcement program annually using the essential program element guidelines recognized by the Director. DPR proposes to amend section 6394 to specify that the evaluations will be prepared regularly instead of annually, and that the evaluations shall be in accordance with state program areas recognized by DPR in statute or regulation, or agreed upon by the county and/or DPR. Additionally, proposed amendments state that if the performance evaluation report identifies the need for improvements in a CAC's pesticide use enforcement program, any corrective actions shall be jointly developed and documented by both DPR and the CAC. Proposed amendments would allow DPR to take measures to improve a CAC's program if an agreement on corrective actions cannot be reached. Currently, language states that a corrective measure may include a reduction, not exceeding 25 percent of the county's annual mill assessment allocation. DPR proposes to eliminate this 25 percent cap.

DPR proposes to repeal section 6395. This section mentions benchmark dates of June 30, 1979, and March 1, 1980, and is obsolete.

Editorial corrections are proposed in section 6396(a) to reference correct subsections, while proposed subsection (b) would specify the distribution of any residual funds resulting from application of corrective actions taken against a CAC pursuant to proposed section 6394. Also, an editorial correction is being made to proposed section 6391.

#### **IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

#### **COSTS OR SAVINGS TO STATE AGENCIES**

DPR has determined that no increased costs to any state agency will result from the proposed regulatory action.

#### **EFFECT ON FEDERAL FUNDING TO THE STATE**

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

#### **EFFECT ON HOUSING COSTS**

DPR has made an initial determination that the proposed action will have no effect on housing costs.

#### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES**

DPR has made an initial determination that the proposed amendment of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

DPR has made an initial determination that the proposed amendment of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES**

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

#### CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses.

#### AUTHORITY

This regulatory action is taken pursuant to authority vested by Food and Agricultural Code sections 11456, 12781, and 12844.

#### REFERENCE

This regulatory action is to implement, interpret, or make specific Food and Agricultural Code sections 2281 and 12844.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments only on any changes for 15 days after the modified text is made available.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

#### AGENCY CONTACT

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation, requests for a public hearing, and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
(916) 445-3991

In the event the contact person is unavailable, or for questions on the substance of the proposed regulatory action, particularly questions of a technical or historical nature, please contact:

George Farnsworth, Chief  
Mill Assessment Branch  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
(916) 445-4159

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by GC section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and may be accessed at <<http://www.cdpr.ca.gov>>.

### **TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

#### **Regulations 1001, 1002 and 1007 Amendments to Conform With Government Code Changes**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code sections 13503, powers of the Commission on POST, and 13506, Commission on POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Government Code section 1031(e), rules for hiring peace officers.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In section 1031, the Government Code (GC) specifies the minimum standards for public officers or employees who are declared by law to be peace officers. Section 1031(e) covers the options for the completion of high school requirements. POST regulations 1002 and 1007 include these requirements and regulation 1001(s) defines "high school" as it relates to POST requirements. Current regulation language also references standard scores for sub tests and the total score that must be achieved on the General

Educational Development (GED) test, an acceptable method for meeting the high school education requirement.

POST is proposing to amend the language specific to the definition of high school in regulations 1001(s), 1002(a)(6) and 1007(a)(6). These changes will bring POST regulation language into conformity with changes made to Government Code section 1031 as a result of the passage of Assembly Bill 1152. A second proposed change deletes the specified standards for GED test scores because the passing score standard may vary from state to state.

The Commission approved the proposed amendments at its July 2004 meeting, subject to the results of the notice of proposed regulatory action and approval by the Office of Administrative Law. The effect of the proposed amendments will be to update POST regulations for consistency with current Government Code language and remove the requirement to achieve a GED score standard that is not appropriate for GED scores achieved outside of California.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. POST must receive all written comments no later than 5:00 p.m. on May 30, 2005. Please direct any written comments to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

#### ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by POST during the public comment period, and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

#### TEXT OF PROPOSAL, RULEMAKING FILE, AND INTERNET ACCESS

The following information regarding the proposed regulatory action is provided on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2005-07. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

#### ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts



that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### **ASSESSMENT**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California, and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

#### **CONSIDERATION OF ALTERNATIVES**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to effected private persons than the proposed action.

#### **CONTACT PERSONS**

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at [Pat.Cassidy@post.ca.gov](mailto:Pat.Cassidy@post.ca.gov). The back-up contact person for this proposal is Paul Harman, Bureau Chief; he may be reached by telephone at 916.227.0539, or by email at [Paul.Harman@post.ca.gov](mailto:Paul.Harman@post.ca.gov).

### **TITLE 16. MEDICAL BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest.

No public hearing on this matter will be held unless any interested person or his or her representative requests in writing that a public hearing be held; this written request must be submitted to the Contact Person listed below by May 16, 2005. If such a request is made, the Medical Board of California will provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for hearing.

Any person interested may submit written comments relevant to the action proposed. These written comments, including those sent by mail, facsimile, or e-mail, shall be sent to the address listed under Contact Person in this Notice, and must be received by the board at its office not later than 5:00 p.m. on May 30,

2005. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### **AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 2018 of the Business and Professions Code to implement, interpret or make specific Sections 2005, 2037, 2065, 2066, 2096, 2102 and 2103, Business and Professions Code, the board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Amend 16 CCR Section 1321.

Existing subsection (a) contains an outdated reference. This change would delete the incorrect reference to the Coordinating Council on Medical Education of the Canadian Medical Association and replace that name with the correct reference to the Royal College of Physicians and Surgeons of Canada.

Existing law (Section 2102(c) of the Business and Professions Code) requires international medical school graduates to satisfy certain prerequisites before they enter postgraduate training programs in California. Training program directors need proof that applicants applying to their programs have satisfied those statutory prerequisites before training commences. Existing regulation does not delineate what is required as proof of compliance with Section 2102 (c). Currently, staff issues to qualified applicants a Postgraduate Training Authorization Letter (PTAL). Applicants distribute their PTAL to training program directors to confirm their eligibility to begin training in California. This simple process facilitates qualified candidates' consideration for training positions in California and precludes ineligible candidates from engaging in the unlicensed practice of medicine. The proposed amendment to Section 1321(c) would clarify the nature of the authorization letter that is granted to international medical school graduates.

#### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None



Nondiscretionary Costs/Savings to Local Agencies:  
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The board has determined that the proposed regulations would not affect small businesses because the regulations are applicable only to physicians and surgeons.

**CONSIDERATION OF ALTERNATIVES**

The board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is

based, may be obtained at the hearing or prior to the hearing upon request from the Contact Person or by accessing the website listed below.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

**CONTACT PERSON**

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Curt Worden  
Address: Medical Board of California  
1426 Howe Avenue, Suite 54  
Sacramento, CA 95825  
Telephone No.: (916) 274-5983  
Fax No.: (916) 263-2487  
E-Mail Address: [cworden@medbd.ca.gov](mailto:cworden@medbd.ca.gov)

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kevin A. Schunke  
Address: Medical Board of California  
1430 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: (916) 263-2368  
Fax No.: (916) 263-2387  
E-Mail Address: [kschunke@medbd.ca.gov](mailto:kschunke@medbd.ca.gov)

The backup contact person is:

Name: Linda Whitney  
Address: Medical Board of California  
1430 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: (916) 263-2389  
Fax No.: (916) 263-2387  
E-Mail Address: [lwhitney@medbd.ca.gov](mailto:lwhitney@medbd.ca.gov)

**WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.caldocinfo.ca.gov](http://www.caldocinfo.ca.gov).

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND GAME

#### CESA CONSISTENCY DETERMINATION FOR Humboldt Road Burn Dump Remediation Project Butte County

The Department of Fish and Game ("Department") received a notice on April 1, 2005 that the City of Chico proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of consolidating waste materials from six parcels covering 20 acres to one parcel covering ten acres. The project is located in the City of Chico, Butte County. The activities will impact 0.15 acre of vernal pool habitat and 0.008 acre of Butte County meadow-foam habitat.

The U.S. Fish and Wildlife Service, on March 4, 2005, issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (1-1-05-F-0035) which considers the Federally and State endangered Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the City of Chico is requesting a determination that federal biological opinion 1-1-05-F-0035 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the City of Chico will not be required to obtain an incidental take permit for the proposed project.

### DEPARTMENT OF FISH AND GAME

#### CESA CONSISTENCY DETERMINATION FOR Pacific Gas and Electric L-300 Pigging Project Fresno and San Benito Counties

The Department of Fish and Game ("Department") received notice on April 4, 2005 that Pacific Gas and Electric Company ("PG&E") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of using a "smart pig" device to identify areas of weakness or corrosion in the pipeline that PG&E would then excavate and repair. The activities will take place along pipelines 300A and 300B between milepost 393 in Fresno County and milepost 419 in San Benito County.

The U.S. Bureau of Land Management ("BLM") received a no jeopardy federal biological opinion (1-1-02-F-0362) dated February 11, 2005 and an

amendment (1-1-04-F-0362) dated April 1, 2005 (collectively, "biological opinion") from the U.S. Fish and Wildlife Service. The biological opinion considers and authorizes incidental take of the federally and state listed endangered giant kangaroo rat (*Dipodomys ingens*) and blunt-nosed leopard lizard (*Gambelia sila*), and the federally listed endangered and state listed threatened San Joaquin kit fox (*Vulpes macrotis mutica*).

Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination that the amended federal biological opinion 1-1-04-F-0362 is consistent with CESA. If the Department determines that the biological opinion is consistent with CESA, PG&E will not be required to obtain an incidental take permit under CESA for the proposed project.

### DEPARTMENT OF FISH AND GAME

#### CESA CONSISTENCY DETERMINATION FOR Sutter Mutual Water Company Tisdale Positive Barrier Fish Screen Project Sutter County

The Department of Fish and Game ("Department") received notice on April 4, 2005 that Sutter Mutual Water Company ("SMWC") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction and operation of a positive barrier fish screen at the Tisdale Pumping Plant water diversion on the Sacramento River in Sutter County.

The U.S. Bureau of Reclamation ("BOR") received a no jeopardy federal biological opinion (151422SWR01SA5817:HLB) from the National Marine Fisheries Service on January 24, 2005. The biological opinion considers the federally and state listed endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and the federally and state listed threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*), and authorizes incidental take. The U.S. Fish and Wildlife Service issued BOR a no jeopardy federal biological opinion (1-1-04-F-0302) on December 6, 2004 which considers the federally and state listed threatened giant garter snake (*Thamnophis gigas*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, SMWC is requesting a determination that the federal biological opinions 151422SWR01SA5817:HLB and 1-1-04-F-0302 are consistent with CESA. If the Department determines that the federal biological opinions are consistent with

CESA, SMWC will not be required to obtain an incidental take permit under CESA for the proposed project.

## DEPARTMENT OF FISH AND GAME

### PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

#### Research on the Mohave Tui Chub

In March 2005, the Department of Fish and Game (Department) received two research proposals regarding the Mohave tui chub. The Mohave tui chub is a State Fully Protected fish, and a State and Federally-listed Endangered species. The applicants and any assistants are required to have a Scientific Collecting Permit (SCP) to take a protected species of fish. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

One research proposal was from Mr. Scott Bonar, Arizona State University, who will serve as the Primary Investigator to assess the effects of Asian tapeworm, an introduced parasite, on the growth and survival of the endangered Mohave tui chub (*Gila bicolor mohavensis*). Mr. Thomas Archdeacon, Ms. Alison Isles, Mr. Andrew Schultz, and Mr. Sean Tackley will act as assistants to Mr. Bonar in this research. In cooperation with the U.S. Fish and Wildlife Service, the applicant proposes to collect about 100 adults from Lake Tuendae, in the Mohave National Preserve to: (1) examine the combined effects of Asian tapeworm on the growth and survival of Mohave tui chub in controlled microcosms that mimic wild conditions as closely as possible; (2) conduct a field experiment to examine the relationship of Asian tapeworm infection rates with differing habitat and biological factors; and (3) recommend options that can be used to reduce the effect that Asian tapeworm has on the Mohave tui chub. The proposed activity will take place quarterly during winter 2005 to spring 2008.

The other research proposal was received from Ms. Kelly Garron, California State University, Fullerton. Ms. Garron intends to assess the population status and habitat quality of the Mohave tui chub at Lake Tuendae. Habitat use and quality will be measured, and population estimates will be determined using a mark and recapture method. Fish will be live-captured using minnow traps, measured, weighed, and marked by fin-clipping.

Both research projects proposed above are consistent with the protection and recovery of the species, and all applicants are named in a Federal Threatened and Endangered Species Permit from the U.S. Fish and Wildlife Service.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant and assistants to carry out the proposed activities. As these fish are also a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected fish after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected fish, it would issue the authorization on or after May 15, 2005, for a term of three years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Betsy Bolster.

## DEPARTMENT OF FISH AND GAME

### PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

#### Survival of razorback sucker stocked into the lower Colorado River

The Department of Fish and Game ("Department") received a proposal on December 15, 2004, from Mr. Jason D. Schooley, from Arizona State University, requesting authorization to take razorback sucker (*Xyrauchen texanus*), a Fully Protected fish, for research purposes, consistent with the protection and recovery of the species.

The applicant is required to have a Scientific Collecting Permit (SCP) to take a protected species of fish. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

With cooperation from the US Fish and Wildlife Service (USFWS), Mr. Schooley intends to perform a fish survey targeting razorback sucker. The razorback sucker is one species among a suite of large river fishes that are native to the Colorado River basin. Habitat modifications and the establishment of non-native species have combined to diminish the range and abundance of the razorback sucker, and because of these factors and continuing threats it was federally listed as endangered (1991).

Stocking has been a part the Lower Colorado River (LCR) management scheme for razorback suckers for more than 20 years. Among the latter are those prescribed by a 1997 Biological Opinion (BO) issued to the US Bureau of Reclamation (USBR) by USFWS, which specifies as a short-term provision that 50,000



fish be stocked over a 5-year period. However, there is no accommodation in the BO for post-stocking assessment to determine the fate of stocked fish.

There have been few comprehensive fish surveys of the LCR below Parker Dam, and the most recent was conducted over 25 years ago. Most survey work today is performed by state and federal resources and target sport fisheries. There has been only one lower river survey that targeted razorback sucker. Although that effort failed to detect the species, it was performed before the widespread implementation of stocking.

A comprehensive fish survey focusing on razorback sucker will be performed in the study area of approximately 175 river miles from Parker Dam to Yuma. The survey will be conducted year-round and encompass all seasons. Primary sample sites will be downstream from historical and current razorback sucker stocking locations, since fish are known to disperse downstream after stocking and areas where the species has recently been encountered. Intensive sampling otherwise will be opportunistic throughout the reach to an extent dictated by availability of suitable boat launching sites, water depth and access to habitats.

Any area where razorback suckers are encountered will become a focal point for locally intensified sampling. This is to increase the total catch of this target species and to enhance the probability of acquiring recapture data. Sites where adult razorback suckers are found also will be among those targeted for larval collections.

Sampling methods will include boat-mounted electrofishing, trammel netting, seining, and larval collection; all of which may be conducted during both day and night. Sampling will occur on main channel waterways and connected backwaters that are/or were accessible by fish.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant, as the Principal Investigator, to carry out the proposed activities. As these fish are also a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected fish after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected fish, it would issue the authorization on or after May 15, 2005, for a term of three years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Betsy Bolster.

## FISH AND GAME COMMISSION

### NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE FISH AND GAME COMMISSION

(Continuation of Register 2005, No. 7-Z, and  
Commission Meeting of February 4, 2005)

**(Note: The Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to the adoption. See the Updated Informative Digest.)**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 220, 240, 2084 and 7891, of the Fish and Game Code and to implement, interpret or make specific Sections 200, 203, 205 and 2084, of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations to conform ocean sport fishing regulations for salmon within state waters to those agreed upon by the Pacific Fishery Management Council (PFMC).

#### UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean fishing regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

The PFMC is expected to adopt regulation recommendations, similar to recent years, for the recreational ocean salmon fisheries in Federal waters (3 to 200 miles offshore) off the states of Washington, Oregon, and California for 2005. The various alternatives the PFMC will examine in the process of adopting the management options on March 11, 2005, for public review may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.



The final regulation recommendations will be made by the PFMC on April 8, 2005. Upon approval of the PFMC's management recommendations by the Secretary of Commerce, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (0 to 3 miles offshore) to those agreed upon by the PFMC; otherwise preemption of State regulatory authority by the Secretary of Commerce may occur. **The federal regulations are expected to be implemented effective May 1, 2005.**

The Initial Statement of Reasons reflected the range of possible management measures that will be considered for 2005. At the PFMC's March 7-11, 2005 meeting, four options were developed that will consider specific changes from current regulations. The following options are due to very low ocean abundance forecast of Klamath River fall chinook and different catch allocations for Klamath Basin in-river fisheries.

Under all four options, the season is similar to current regulations except as follows: In all options for 2006, the opening dates between Horse Mountain and Point Arena will be February 18 and below Point Arena will be April 1.

#### Option 1

**Seasons:** For north of Horse Mountain and Humboldt Bay (Klamath Management Zone), the season length is decreased 47 days due to a later season opener and a mid season closure for most of July and early August. The area between Horse Mountain and Point Arena (Fort Bragg) has the same season length. The area between Point Arena and Pigeon Point (San Francisco) has 14 more days due to an earlier season opener. The area between Pigeon Point and the U.S./Mexico border (Monterey) has 7 less days due to an earlier season closure.

#### Option 2

**Seasons:** For north of Horse Mountain and Humboldt Bay (Klamath Management Zone), the season length is decreased 47 days due to a later season opener and a mid season closure for most of July and early August. The area between Horse Mountain and Point Arena (Fort Bragg) has 10 less days due to two closures in July. The area between Point Arena and Pigeon Point (San Francisco) has 14 more days due to an earlier season opener. The area between Pigeon Point and the U.S./Mexico border (Monterey) has 7 less days due to an earlier season closure.

#### Option 3

**Seasons:** For north of Horse Mountain and Humboldt Bay (Klamath Management Zone), the season length is decreased 56 days due to a later

season opener and closures in late June, most of July and early August. The area between Horse Mountain and Point Arena (Fort Bragg) has 18 less days due to a mid season closure in late July and early August. The area between Point Arena and Pigeon Point (San Francisco) has 3 more days due to an earlier season opener and an 11 day July closure. The area between Pigeon Point and the U.S./Mexico border (Monterey) has 18 less days due to an earlier season and early July closures.

#### Option 4

**Seasons:** For north of Horse Mountain and Humboldt Bay (Klamath Management Zone), the season length is decreased 34 days due to a later season opener and a mid season closure for most of July. The area between Horse Mountain and Point Arena (Fort Bragg) has the same season length. The area between Point Arena and Pigeon Point (San Francisco) has 14 more days due to an earlier season opener. The area between Pigeon Point and the U.S./Mexico border (Monterey) has 7 less days due to an earlier season closure.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Secretary of State Auditorium, 1500 11th Street, Sacramento, California on Thursday, May 5, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted at least ten days before the May meeting, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than May 5, 2005, at the hearing in Sacramento, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Jon Fischer or Jon Snellstrom at the preceding address or phone number. Ms. Patricia Wolf, Department of Fish and Game, phone (562) 342-7108 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

**AVAILABILITY OF MODIFIED TEXT**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**IMPACT OF REGULATORY ACTION**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Regulations close to the status quo are expected to be adopted.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None

- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations may affect small business.

**CONSIDERATION OF ALTERNATIVES**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

**OFFICE OF ADMINISTRATIVE LAW****REQUEST FOR IDEAS TO IMPROVE THE RULEMAKING PROCESS**

Governor Schwarzenegger issued Executive Order S-2-03 pertaining to state agency regulations on November 17, 2003, his first day in office. The Order instructed the Director of the Office Administrative Law to appoint an advisory body to recommend improvements in the rulemaking process. The term of the advisory group, as set by the Executive Order, expired before the Director was appointed in August, 2004. Despite this expiration, the Director has appointed an advisory group, on his own authority, to accomplish the purposes of the Executive Order.

The members appointed to the advisory group are:

- Anita Scuri, Senior Staff Counsel, Department of Consumer Affairs
- Barry Broad, of the Law Offices of Barry Broad
- Tim Flanigan, of the Flanigan Law Group
- Fred Keeley, Santa Cruz County Treasurer—Tax Collector
- Gene Livingston, of the Livingston & Mattesich Law Corporation

The Director named Livingston, a former Director of the OAL, to chair the advisory body.

The advisory body's charge, as originally set in Executive Order S-2-03, is to advise the Governor's office on how the regulatory process can be improved.

Pursuant to that charge, the advisory body has identified a number of processes to consider. These include:

- An efficient process for reviewing claims that an agency is enforcing an “underground” regulation.
- How to provide greater clarity to agencies, interested persons, and the courts on the standards for emergency regulations.
- What benefit, if any, is obtained by the many requirements for considerations, findings and determinations by state agencies on the impact of regulations on small business, jobs, business economy, costs to business and government, business creation, elimination, or expansion, housing costs, and whether alternative regulations exist.
- Definition of a regulation and exceptions to that definition.
- How to enhance public participation in the rulemaking process.
- How to improve efficiency in the rulemaking process, for example, by increased use of electronic communication.
- Standards by which the OAL and the courts review agency regulations.

The advisory body seeks the help of all interested persons and asks them to forward their ideas for ways to improve the regulatory process to the Director of OAL for the advisory body’s consideration. All ideas relating to the rulemaking process will be considered. Ideas can be forwarded to the Director by e-mail or regular mail. His e-mail address is [bgauswitz@oal.ca.gov](mailto:bgauswitz@oal.ca.gov). His mailing address is Bill Gausewitz, Director, Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814.

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### EXTENSION OF PUBLIC COMMENT PERIOD

#### NOTICE OF PROPOSED RULEMAKING

#### TITLE 22, CALIFORNIA CODE OF REGULATIONS

#### PROPOSED ADOPTION OF SECTION 12900 USE OF SPECIFIED METHODS OF DETECTION AND ANALYSIS FOR LISTED CHEMICALS FOR VOLUNTARY COMPLIANCE TESTING SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

On February 18, 2005, the Office of Environmental Health Hazard Assessment (OEHHA) announced its proposal to adopt a new regulation in Title 22,

California Code of Regulations, Section 12900. In the February 18 Notice, the public comment period was scheduled to close on April 4, 2005. In response to requests OEHHA received asking that the comment period be extended in order for interested parties to sufficiently review the related regulatory documents and provide relevant comment, OEHHA extends the comment period until April 18, 2005. Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **Monday, April 18 2005**, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action may be sent by mail or by facsimile addressed to:

Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
Proposition 65 Implementation Program  
P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

Comments sent by courier should be delivered to:

Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
1001 I Street, 19th Floor  
Sacramento, California 95814

Comments may also be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). It is requested, but not required, that written statements or arguments be submitted in triplicate.

## DECISION NOT TO PROCEED

### STATE LANDS COMMISSION

Pursuant to Government Code Section 11347, the State Lands Commission hereby gives notice that it has decided not to proceed with proposed regulations under Title 2, Division 3, Chapter 1, Article 4.5 regarding Marine Invasive Species Control Fund Fee as published in the California Regulatory Notice Register (File Z05-0225-01) on March 11, 2005.

The State Lands Commission will publish a new notice on the same rulemaking proposal.

Any interested person with questions concerning this rulemaking should contact Livin Prabhu at (562) 499-6312 or by e-mail at: [prabhul@slc.ca.gov](mailto:prabhul@slc.ca.gov)



## **STATE LANDS COMMISSION**

Pursuant to Government Code Section 11347, the State Lands Commission hereby gives notice that it has decided not to proceed with proposed regulations under Title 2, Division 3, Chapter 1, Article 4.6 regarding Ballast Water Regulations for Vessels Arriving at California Ports or Places after Departing from Ports or Places within the Pacific Coast Region as published in the California Regulatory Notice Register (File Z05-0202-01) on February 18, 2005.

The State Lands Commission will publish a new notice on the same rulemaking proposal in the April 15, 2005 edition of the California Regulatory Notice Register.

Any interested person with questions concerning this rulemaking should contact Livin Prabhu at (562) 499-6312 or by e-mail at: prabhul@slc.ca.gov

## **SUMMARY OF REGULATORY ACTIONS**

### **REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### **AIR RESOURCES BOARD**

##### **New Stationary Diesel-Fueled Engines**

This emergency regulatory action amends section 93115, dealing with new stationary diesel-fueled engines, by removing the requirement that new stationary agriculture pump engines meet the 0.15 g/bhp-hr PM standard, and instead, such engines must meet the appropriate Tier 2 emissions standard.

Title 17

California Code of Regulations

AMEND: 93115

Filed 04/04/05

Effective 04/04/05

Agency Contact: George Poppic (916) 322-3940

#### **BOARD OF EQUALIZATION**

##### **Rules of Practice**

This regulatory action clarifies and revises the requirements for a valid petition for reassessment filed by state assesses and private railroad companies, the notice of hearing, and the decision on the petition.

Title 18

California Code of Regulations

AMEND: 5041, 5073, 5076, 5082.2

Filed 03/30/05

Effective 04/29/05

Agency Contact:

Joann Richmond

(916) 322-1931

#### **CALIFORNIA APPRENTICESHIP COUNCIL**

##### **Training Contributions**

The regulatory action establishes the procedures for the disbursement of training fund contributions paid to the California Apprenticeship Council that were deposited by the last day of a fiscal year into the Apprenticeship Training Contribution Fund.

Title 8

California Code of Regulations

AMEND: 230.2

Filed 04/06/05

Effective 05/06/05

Agency Contact: Lucille Acosta (415) 703-4920

#### **CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE**

##### **Low Income Housing Tax Credit**

This action updates procedures for the reservation, allocation and compliance monitoring of the Federal and State Low-Income Housing Tax Credit Programs and for the use of tax credits under federal and state law.

Title 4

California Code of Regulations

ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337

Filed 04/04/05

Effective 02/16/05

Agency Contact: Lynn Wehrli (916) 654-6340

#### **DEPARTMENT OF CORPORATIONS**

##### **Statement of Policy: Church Debt Offerings**

In this regulatory action, the Department of Corporations amends its regulations under the Corporate Securities Law of 1968 pertaining to "Offerings of Debt Securities by Churches."

Title 10

California Code of Regulations

AMEND: 260.140.72, 260.140.72.1, 260.140.72.5

Filed 04/01/05

Effective 05/01/05

Agency Contact: Kathy Womack (916) 322-3553

#### **DEPARTMENT OF DEVELOPMENTAL SERVICES**

##### **Habilitation Transfer**

This emergency regulatory action implements AB 1753 (Chapter 226, Statutes of 2003) which transfers administrative responsibility for the Habili-



tation Services Program (HSP) from the Department of Rehabilitation to the Department of Developmental Services. (Previous OAL file numbers 04-0712-01E; 04-1118-03EE)

Title 17

California Code of Regulations

ADOPT: 54351, 58800, 58811, 58812, AMEND: 54302, 54310, 54320, 54370

Filed 03/30/05

Effective 03/30/05

Agency Contact:

Andrea Fishback (805) 560-8149

**DEPARTMENT OF INSURANCE**

**Mandated Benefits Analysis Regulations**

This regulatory action implements AB 1996 (Ch. 795, Statutes of 2002), which imposed an assessment on health insurers to fund analyses by the University of California of legislation proposing mandated health care benefits.

Title 10

California Code of Regulations

ADOPT: 2218.60, 2218.61, 2218.62, 2218.63

Filed 04/01/05

Effective 05/01/05

Agency Contact: Debra Chaum (415) 538-4115

**DEPARTMENT OF JUSTICE**

**Dangerous Weapons Regulations**

This rulemaking action revises regulations on licenses and permits for manufacturing, possessing, or transporting machine guns, destructive devices, short-barreled shotguns and rifles, and assault weapons. The action revises license and permit fees, and adopts an inspection fee. The action also establishes more comprehensive recordkeeping requirements and clarifies a number of provisions. The adoption of subdivisions (r) and (s) of section 971 and amendments to subdivision (b) of section 975.2 have been withdrawn.

Title 11

California Code of Regulations

AMEND: 970, 970.1, 971., 972, 972.1, 972.2, 972.4, 972.5, 972.6, 972.7, 972.9, 973, 973.1, 974, 974.1, 975, 975.1, 975.2, 975.3, 975.4, 975.5, 975.6, 976, 976.1, 976.2, 976.3, 976.4 REPEAL: 975.1

Filed 03/30/05

Effective 03/30/05

Agency Contact: Mike Small (916) 227-0537

**DEPARTMENT OF JUSTICE**

**Definitions, Forms, and Deposits**

This action is the Certificate of Compliance rulemaking making permanent the prior emergency readoption of the Division of Gambling Control's schedule of investigation and processing costs for various gambling, game or gaming licenses and

approvals. The prior initial emergency and emergency readoption files were OAL file numbers 04-0609-01E and 04-1041-01EE, respectively.

Title 11

California Code of Regulations

ADOPT: 2037, 2038 AMEND: 2010, 2037, 2038, 2050

Filed 03/30/05

Effective 03/30/05

Agency Contact:

Terri Sue Canale (916) 263-0372

**DEPARTMENT OF MOTOR VEHICLES**

**Employer Testing Program**

This emergency regulatory action requires that third-party testers for commercial driver licenses must perform at least one test every 90 days or they will be required to take a refresher course. This action also raises the fee for the third-party test course.

Title 13

California Code of Regulations

AMEND: 25.15, 25.18, 25.19, 25.22

Filed 03/30/05

Effective 03/30/05

Agency Contact:

Bonnie DeWatney (916) 657-8954

**DEPARTMENT OF PESTICIDE REGULATION**

**Sulfuryl Fluoride**

In this emergency regulatory action, the Department of Pesticide Regulation designates the pesticide "sulfuryl fluoride" as a state "restricted material" generally subject to the requirement of a permit from the local county agricultural commissioner prior to possession and use.

Title 3

California Code of Regulations

AMEND: 6400

Filed 04/04/05

Effective 04/04/05

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

**DIVISION OF WORKERS COMPENSATION**

**Workers' Compensation—Utilization Review Standards**

Labor Code section 5307.27 provides that on or before December 1, 2004, the Administrative Director, in consultation with the Commission on Health and Safety and Workers' Compensation, shall adopt, after public hearings, a medical treatment utilization schedule. The utilization schedule shall address, at a minimum, the frequency, duration, intensity, and appropriateness of all treatment procedures and modalities commonly performed in workers' compensation cases. This regulatory filing is a readoption of an emergency regulatory action which clarified the

timeframes involved in the utilization review process, set forth the procedures and notice content requirements necessary to facilitate expedited communication between treating physicians and providers, and clarified the dispute resolution process.

Title 8

California Code of Regulations

ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10, 9792.11 REPEAL: 9792.6

Filed 04/06/05

Effective 04/12/05

Agency Contact:

Minerva Krohn (415) 703-4667

**OFFICE OF SPILL PREVENTION AND RESPONSE**

**Escort Tugs for San Diego Harbor**

This action amends the tug escort requirements for the San Diego Harbor.

Title 14

California Code of Regulations

AMEND: 852, 852.2, 852.3

Filed 03/30/05

Effective 04/29/05

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

**OFFICE OF SPILL PREVENTION AND RESPONSE**

**Nontank Vessel Contingency Plans**

The proposed action eliminates from the rules applicable to oil spill prevention and response planning, all mention of maintaining a relationship with a non profit Maritime Association as one of the options for complying with planning, preparedness and response requirements.

Title 14

California Code of Regulations

AMEND: 825.03, 825.05, 826.01, 826.03, 829.04, 829.05, 827.02

Filed 03/30/05

Effective 03/30/05

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

**San Francisco Bay Plan**

This regulatory action amends the San Francisco Bay Plan regarding the siting and use of desalination facilities.

Title 14

California Code of Regulations

AMEND: 119900

Filed 04/04/05

Effective 04/04/05

Agency Contact:

Jeffrey Blanchfield (415) 352-3654

**CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN NOVEMBER 17, 2004 TO APRIL 6, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74

03/02/05 AMEND: 1859.73.2, 1859.145.1

02/28/05 AMEND: 1859.2

02/28/05 AMEND: 1859.71.3, 1859.78.5

02/28/05 AMEND: 1859.2

02/24/05 AMEND: 211

02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2

02/15/05 AMEND: 1859.81

02/03/05 AMEND: 1859.106

02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2, 1859.60, 1859.61, 1859.78.6

01/31/05 AMEND: 1859.2, 1589.33, 1859.35, 1859.77.3, 1859.82, 1859.83

01/26/05 ADOPT: 20107

01/04/05 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943

01/03/05 ADOPT: Division 8, Chapter 108, Section 59530.

12/31/04 ADOPT: 18229

12/31/04 AMEND: 18545

12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83

12/16/04 ADOPT: 1859.51.1, 1859.70.2 AMEND: 1859.2, 1859.51, 1859.70, 1859.103,

12/06/04 AMEND: 1859.2, 1859.51

11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000

11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4, 1866.4.1, 1866.4.2, 1866.4.3, 1866.5, 1866.5.1, 1866.7, 1866.13

11/22/04 AMEND: 58700

11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5, 561.6, 561.7, 561.8, 561.9, 561.10, 561.11, 561.12, 561.13, 561.14

**Title 3**

04/04/05 AMEND: 6400  
 03/07/05 ADOPT: 1392.8.1(3) AMEND:  
 1392.8.1.(2)  
 03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4,  
 796.5, 796.6, 796.7, 796.8, 796.9  
 AMEND: Article 8 heading REPEAL:  
 795.10, 795.13, 795.14, 795.16, 795.17,  
 795.19, 795.30, 795.32, 795.33, 795.50  
 02/28/05 AMEND: 3430(b)  
 02/24/05 AMEND: 1280.2  
 02/23/05 AMEND: 3423(b)  
 02/15/05 ADOPT: 4603(g)  
 02/02/05 AMEND: 3430(b)  
 01/21/05 ADOPT: 3700  
 01/21/05 AMEND: 3700 (b)(c)  
 01/14/05 AMEND: 3700(c)  
 01/13/05 AMEND: 3962(a)  
 12/20/04 REPEAL: 305, 306  
 11/29/04 AMEND: 3423(b)  
 11/17/04 AMEND: 1703.3

**Title 4**

04/04/05 ADOPT: 10300, 10302, 10305, 10310,  
 10315, 10317, 10320, 10322, 10325,  
 10326, 10327, 10328, 10330, 10335,  
 10337  
 03/22/05 AMEND: 12250, 12270, 12271, 12272  
 02/28/05 AMEND: 2424  
 02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034,  
 7035, 7036, 7037, 7038, 7039, 7040,  
 7041, 7042, 7043, 7044, 7045, 7046,  
 7047, 7048, 7049, 7050  
 02/04/05 AMEND: 1371  
 01/28/05 ADOPT: 12270, 12271, 12272  
 12/23/04 ADOPT: 10163, 10164 AMEND: 10152,  
 10153, 10154, 10155, 10156, 10157,  
 10158, 10159, 10160, 10161, 10162  
 12/20/04 ADOPT: 12200, 12200.1, 12200.3,  
 12200.5, 12200.6, 12200.7, 12200.9,  
 12200.10A, 12200.10B, 12200.10C,  
 12200.11, 12200.13, 12200.14, 12200.15,  
 12200.16, 12200.17, 12200.18, 12200.20,  
 12200.21, 12201, 12202, 12203, 12203A,  
 12203.1, 12203.2, 12203.3, 12203.  
 12/16/04 ADOPT: 144  
 12/16/04 ADOPT: 10300, 10301, 10302, 10303,  
 10304, 10305, 10306, 10307, 10308,  
 10309, 10310, 10311, 10312, 10313,  
 10314, 10315, 10316, 10317, 10318,  
 10319, 10320, 10321, 10322, 10323,  
 10324, 10325, 10326, 10327, 10328,  
 10329, 10330, 10331, 10332, 10333,  
 10334, 1  
 11/29/04 AMEND: 1846.5  
 11/23/04 ADOPT: 2444 AMEND: 2241, 2242,  
 2243, 2245, 2250, 2270, 2271, 2272,

2300, 2401, 2422, 2423, 2424, 2425,  
 2426, 2441, 2442, 2443, 2505, 2507,  
 2511, 2512

**Title 5**

03/24/05 ADOPT: 80307 AMEND: 80300, 80303,  
 80310, 80412 REPEAL: 80307  
 03/21/05 AMEND: 19828.1  
 02/10/05 ADOPT: 19817.1, 19826.1, 19828.1,  
 19837 AMEND: 19814, 19814.1, 19817,  
 19826, 19828  
 02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544,  
 9545, 9546, 9547, 9548, 9549, 9550  
 01/31/05 AMEND: 80048.3, 80457, 80523.1 RE-  
 PEAL: 80413.1  
 01/19/05 ADOPT: 19814.1, 19832, 19833, 19834,  
 19835, 19836 REPEAL: 19814  
 01/10/05 ADOPT: 3088.1, 3088.2  
 12/08/04 ADOPT: 9517.1 AMEND: 9515, 9517

**Title 7**

12/06/04 AMEND: 213, 218

**Title 8**

04/06/05 AMEND: 230.2  
 04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,  
 9792.10, 9792.11 REPEAL: 9792.6  
 03/16/05 AMEND: 344.30  
 03/08/05 AMEND: 15220, 15220.1, 15220.3,  
 15220.4  
 03/07/05 AMEND: 5144  
 02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,  
 9767.5, 9767.6, 9767.7, 9767.8, 9767.9,  
 9767.10, 9767.11, 9767.12, 9767.13,  
 9767.14  
 02/04/05 AMEND: 5146  
 01/26/05 AMEND: 5144  
 01/26/05 AMEND: 3456  
 01/24/05 AMEND: 3427  
 12/31/04 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,  
 9768.5, 9768.6 9768.7, 9768.8, 9768.9,  
 9768.10, 9768.11, 9768.12, 9768.13,  
 9768.14, 9768.15, 9768.16, 9768.17  
 12/31/04 ADOPT: 9785.4, AMEND: 9725, 9726,  
 9727, 9785, 9785.2, 9785.3, 9805, 10150,  
 10152, 10156, 10158, 10160, 10163,  
 10165.5 REPEAL: 10151, 10154  
 12/30/04 AMEND: 3380(d)  
 12/27/04 ADOPT: 32032, 32033, 32034, 32035,  
 81000, 81005, 81010, 81020, 81030,  
 81040, 81050, 81055, 81060, 81065,  
 81070, 81075, 81080, 81090, 81100,  
 81105, 81110, 81115, 81120, 81125,  
 81130, 81135, 81140, 81145, 81150,  
 81155, 81160, 81165, 81170, 81175,  
 81180, 81  
 12/15/04 ADOPT: 9788.01, 9788.1, 97883.11,  
 9788.2, 9788.3, 9788.31, 9788.32,

9788.4, 9788.45, 9788.5, 9788.6, 9788.7,  
9788.8, 9788.9, 9788.91  
12/15/04 AMEND: 9789.11  
12/09/04 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,  
9792.10, 9792.11 REPEAL: 9792.6  
12/08/04 AMEND: 1602(a)  
12/08/04 AMEND: 3210, 3212  
12/07/04 AMEND: 3314

**Title 9**

03/25/05 ADOPT: 13000, 13005, 13010, 13015,  
13020, 13025, 13030, 13035, 13040,  
13045, 13050, 13055, 13060, 13065,  
13070, 13075 AMEND: 9846, 10125,  
10564  
01/25/05 AMEND: 9525  
12/06/04 ADOPT: 9805, 9868 AMEND: 9801,  
9801.5, 9804, 9812, 9820, 9824, 9848,  
9867, 9878

**Title 10**

04/01/05 ADOPT: 2218.60, 2218.61, 2218.62,  
2218.63  
04/01/05 AMEND: 260.140.72, 260.140.72.1,  
260.140.72.5  
03/25/05 AMEND: 1556  
03/17/05 ADOPT: 2712 AMEND: 2835, 2840,  
2840.1, 2851, 2930  
03/02/05 AMEND: 2318.6, 2353.1, 2354  
02/09/05 AMEND: 260.165  
01/14/05 AMEND: 2498.6  
01/07/05 ADOPT: 2699.6608 AMEND: 2699.100,  
2699.200, 2699.201, 2699.205, 2699.209,  
2699.400, 2699.401, 2699.6500,  
2699.6600, 2699.6606, 2699.6607,  
2699.6611, 2699.6613 2699.6617,  
2699.6619, 2699.6625, 2699.6631,  
2699.6705, 2699.6715, 2699.6717,  
2699.6725, 2699.  
12/28/04 AMEND: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41 REPEAL: 2698.42, 2698.43,  
2698.44, 2698.45  
12/27/04 AMEND: 4010, 4011, 4013, 4016, 4018,  
4019, 5000, 5001, 5002, 5003, 5005,  
5006, 5007, 5008, 509, 5010, 5013, 5020,  
5050, 5051, 5060, 5061, 5070, 5101,  
5110, 5111, 5112, 5113, 5114, 5115,  
5116, 5117, 5118, 5119, 5260, 5261,  
5262, 5263, 5264, 5266, 5267, 5  
12/27/04 AMEND: 2580.1, 2580.2, 2580.3,  
2580.4, 2580.5, 2580.6, 2580.7, 2580.8,  
2580.9  
12/22/04 AMEND: 2498.4.9, 2498.5  
12/22/04 AMEND: 2498.5  
12/21/04 AMEND: 2498.4.9, 2498.5  
12/21/04 AMEND: 2498.4.9, 2498.5

12/21/04 AMEND: 2498.4.9, 2498.5  
12/17/04 ADOPT: 2194., 2194.1, 2194.2, 2194.3,  
2194.4, 2194.5, 2194.6, 2194.7, 2194.8  
11/19/04 ADOPT: 2361

**Title 11**

03/30/05 AMEND: 970, 970.1, 971., 972, 972.1,  
972.2, 972.4, 972.5, 972.6, 972.7, 972.9,  
973, 973.1, 974, 974.1, 975, 975.1, 975.2,  
975.3, 975.4, 975.5, 975.6, 976, 976.1,  
976.2, 976.3, 976.4 REPEAL: 975.1  
03/30/05 ADOPT: 2037, 2038 AMEND: 2010,  
2037, 2038, 2050  
03/15/05 ADOPT: 996  
02/18/05 AMEND: 63.5  
02/16/05 AMEND: 995.5  
01/26/05 AMEND: 1080  
01/19/05 ADOPT: 968.97, 968.99 AMEND:  
968.20, 968.35, 968.44, 968.60  
01/05/05 ADOPT: 51.22  
01/03/05 AMEND: 26.4  
01/03/05 AMEND: 51.17  
12/07/04 AMEND: 51.16

**Title 12**

02/16/05 AMEND: 503(f)

**Title 13**

03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22  
03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181,  
2184, 2185, 2186, 2192, 2194  
03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5,  
2262.6, 2262.9, 2263, 2265, 2266.5  
02/22/05 AMEND: 220.04, 220.12, 221.12  
02/08/05 AMEND: 330.32  
02/02/05 AMEND: 124.92, 124.93  
01/31/05 AMEND: 1956.1, 1956.2, 1956.3, 1956.4  
01/27/05 ADOPT: 2485  
01/26/05 ADOPT: 15.07  
01/07/05 AMEND: 1969  
01/04/05 AMEND: 553.70  
12/28/04 AMEND: 1  
12/27/04 ADOPT: 150.06  
12/27/04 ADOPT: 1971  
12/23/04 AMEND: 1151.1, 1151.2, 1151.3, 1151.4,  
1151.5, 1151.5.6, 1151.7, 1151.8,  
1151.8.4, 1151.9, 1151.9.1, 1151.10,  
1152.2, 1152.3, 1152.4, 1152.4.1, 1152.6,  
1152.7, 1152.7.1, 1152.8  
12/22/04 ADOPT: 151.00  
12/16/04 AMEND: 2284  
12/15/04 ADOPT: 154.00  
12/09/04 ADOPT: 423.00  
12/02/04 AMEND: 2701, 2702, 2703, 2704, 2705,  
2706, 2707 2709  
12/02/04 ADOPT: 120.01 AMEND: 120.00,  
120.02, 120.04



**Title 14**

04/04/05 AMEND: 119900  
 03/30/05 AMEND: 825.03, 825.05, 826.01, 826.03, 829.04, 829.05, 827.02  
 03/30/05 AMEND: 852, 852.2, 852.3  
 03/28/05 ADOPT: 53.00, 53.01, 53.02, 53.03, 149.1, 149.3 AMEND: 149  
 03/25/05 ADOPT: 745.5 AMEND: 746  
 03/14/05 AMEND: 150  
 03/08/05 AMEND: 29.05, 29.40, 30.00, 120.7, 122, 123, 149, 165, 180, 630, 632, 747 REPEAL: 27.20, 27.25, 27.30, 27.35, 27.40, 27.42, 27.45, 27.50, 27.51, 630.5  
 03/01/05 AMEND: 52.10, 150.16  
 02/28/05 ADOPT: 125  
 02/28/05 AMEND: 670.5  
 02/22/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1  
 01/31/05 AMEND: 17943, 17944  
 01/28/05 ADOPT: 3806.3, 3806.5  
 01/11/05 ADOPT: 25201  
 01/10/05 ADOPT: 800.6 AMEND: 800, 800.5, 801, 802  
 01/07/05 ADOPT: 1038(i) AMEND: 1038(e)  
 12/27/04 ADOPT: 10280, 10281, 10282, 10283, 10284, 10285, 10286 10287, 10288, 10289 REPEAL: 11325  
 12/27/04 AMEND: 1.91, 27.60, 27.65, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90  
 12/22/04 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462  
 12/21/04 AMEND: 7.50(b)(180)  
 12/21/04 AMEND: 851.50, 851.51, 851.51.1, 851.54  
 12/13/04 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 1  
 12/13/04 AMEND: 180.1, 108.3  
 12/07/04 AMEND: 195  
 11/22/04 AMEND: 670.5

**Title 15**

03/01/05 ADOPT: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11  
 01/31/05 ADOPT: 3436  
 01/31/05 ADOPT: 4141, 4141.1  
 01/25/05 ADOPT: 4750, 4750.1 AMEND: 4751  
 01/06/05 AMEND: 2000, 2400, 2403  
 12/30/04 AMEND: 3097

12/29/04 ADOPT: 3000 AMEND: 3005, 3044, 3062, 3313, 3314, 3315, 3323, 3376 REPEAL: 3045.1  
 12/27/04 ADOPT: 2251.5 AMEND: 2041, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701  
 12/14/04 ADOPT: 3194, 3195 AMEND: 3006, 3044, 3092, 3100, 3101, 3107, 3138, 3161, 3190, 3191, 3192, 3193 REPEAL: 3044, 3092, 3138, 3190  
 12/09/04 AMEND: 2253

**Title 16**

03/28/05 AMEND: 1399.688  
 03/17/05 ADOPT: 869.1, 869.2, 869.3, 869.4, 869.5  
 03/16/05 ADOPT: 4160, 4161, 4162, 4163  
 03/08/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4216, 4218, 4220, 4222, 4224, 4226, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268  
 03/08/05 ADOPT: 2624.1 AMEND: 2604, 2615, 2624  
 03/07/05 ADOPT: 1358.1  
 03/07/05 ADOPT: 2755 AMEND: 2756  
 03/03/05 AMEND: 1399.500, 1399.501, 1399.502, 1399.506, 1399.512, 1399.521, 1399.530, 1399.543, 1399.546 REPEAL: 1399.519, 1399.522, 1399.553, 1399.554, 1399.555  
 03/01/05 AMEND: 1005  
 01/31/05 AMEND: 1319, 1319.4, 1321, 1322, 1326, 1328, 1329, 1351  
 01/24/05 AMEND: 1379.20  
 01/20/05 AMEND: 3008, 3031, 3041, 3042, 3062.1  
 01/13/05 AMEND: 1588  
 01/12/05 ADOPT: 1355.35  
 01/06/05 ADOPT: 1042, 1042.1, 1042.2, 1042.3, 1042.3, 1042.4, 1042.5, 1042.6  
 12/29/04 AMEND: 2526, 2529, 2532, 2533, 2534, 2581, 2584, 2586, 2587, 2588, 2588.1  
 12/22/04 AMEND: 1536  
 12/20/04 AMEND: 1567, 1568, 1569  
 12/20/04 ADOPT: 4123  
 12/17/04 AMEND: 1397.60  
 12/16/04 ADOPT: 1387.6, 1387.7, 1389.1, 1390.1, 1390.2, 1390.3, 1390 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1391.3, 1391.4, 1391.5, 1391.8, 1391.10, 1391.11 REPEAL: 1390  
 12/10/04 AMEND: 1397.62  
 12/09/04 ADOPT: 1398.26.5 AMEND: 1398.26  
 12/06/04 ADOPT: 643  
 11/22/04 ADOPT: 4144

**Title 17**

04/04/05 AMEND: 93115  
 03/30/05 ADOPT: 54351, 58800, 58811, 58812,  
 AMEND: 54302, 54310, 54320, 54370  
 03/24/05 AMEND: 94011  
 03/03/05 ADOPT: 90805, 90806 AMEND:  
 90800.8, 90803  
 02/09/05 ADOPT: 93116, 93116.1, 93116.2,  
 93116.3, 93116.4, 93116.5  
 01/13/05 ADOPT: 1029.117, 1029.134, 1031.8,  
 1031.9, 1032.5, 1035.3, 1035.4  
 01/06/05 AMEND: 94011  
 12/31/04 AMEND: 6508  
 12/31/04 ADOPT: 50243, 50245, 50247, 50249,  
 50251, 50253, 50255, 50257, 50259,  
 50261, 50262, 50263, 50265  
 12/22/04 AMEND: 50604, 50604, 54302, 54310,  
 54320, 54320, 54326, 54332, 54355,  
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 11/29/04 ADOPT: 54351, 58800, 58810, 58811,  
 58812 AMEND: 54302, 54310, 54320,  
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03/30/05 AMEND: 5041, 5073, 5076, 5082.2  
 03/18/05 AMEND: 1566  
 03/18/05 AMEND: 27  
 03/15/05 ADOPT: 20501, 20502, 20503, 20504,  
 20505  
 03/08/05 AMEND: 1610  
 03/03/05 AMEND: 1620  
 02/18/05 AMEND: 305.3  
 02/17/05 AMEND: 1045  
 02/16/05 AMEND: 1525.2  
 02/15/05 AMEND: 1525.3  
 02/08/05 AMEND: 1802  
 01/28/05 AMEND: 25130, 25137  
 01/13/05 AMEND: 1825  
 01/13/05 AMEND: 1589  
 01/12/05 AMEND: 1805  
 01/11/05 AMEND: 1630  
 01/07/05 AMEND: 18001-1  
 01/06/05 AMEND: 1619  
 01/06/05 AMEND: 1603  
 01/04/05 AMEND: 5060, 5061, 5062, 5063, 5064  
 12/27/04 ADOPT: 4056.1  
 11/23/04 ADOPT: 19133  
 11/18/04 AMEND: 462.500

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03/01/05 AMEND: 2703(d), 2705(b), 2705 (Emer-  
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03/16/05 AMEND: 1601, 1602, 1603, 1605.1,  
 1605.2, 1605.3, 1606, 1607, 1608  
 03/07/05 ADOPT: 2.3.1 AMEND: 8.2

02/22/05 ADOPT: 2.3.1 AMEND: 1.1, 2.2, 2.3,  
 8.2, 14.5, 15, 17.1, 30, 31, 45, 47, 48,  
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 01/31/05 AMEND: 1345, 1347, 1348

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03/24/05 AMEND: 70577, 70717, 71203, 71517,  
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 03/23/05 ADOPT: 50960.2, 50960.4, 50960.9,  
 50960.12, 50960.15, 50960.21, 50960.23,  
 50960.26, 50960.29, 50960.32, 50960.36,  
 50961, 50965 AMEND: 50962, 50963,  
 50964 REPEAL: 50960, 50961  
 03/23/05 ADOPT: 96000, 96005, 96010, 96015,  
 96020, 96025  
 03/14/05 AMEND: 926.3, 926.4, 926.5  
 03/10/05 AMEND: 70217  
 03/03/05 REPEAL: 12901  
 01/27/05 ADOPT: 51000.10.1, 51000.15.1,  
 51000.20.9, 51000.31, 51000.51,  
 51000.52, 51000.53, 51000.60 AMEND:  
 51000.1, 51000.1.1, 51000.3, 51000.4,  
 51000.6, 51000.7, 51000.16, 51000.30,  
 51000.35, 51000.40, 51000.45, 51000.50,  
 51000.55, 51051, 51451  
 01/13/05 AMEND: 66262.34, 66264.145,  
 66266.103, 66268.7, 66268.34, 66270.60,  
 66271.33, 67391.1  
 01/03/05 AMEND: 50960, 50961  
 12/27/04 AMEND: 12000  
 12/27/04 AMEND: 66260.201, Appendix X to  
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 12/27/04 AMEND: 4402.2  
 12/23/04 AMEND: 12705, 12805  
 12/02/04 ADOPT: 3254-4 AMEND: 2712-1,  
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03/28/05 AMEND: 2611  
 03/11/05 ADOPT: 3944.1  
 02/08/05 ADOPT: 3939.12  
 01/21/05 ADOPT: 3965  
 01/05/05 ADOPT: 3939.12  
 12/23/04 AMEND: 3978  
 12/13/04 ADOPT: 2916  
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 3425, 3426, 3427, 3428  
 11/29/04 AMEND: 2611

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02/02/05 ADOPT: 1338.1, 1443.1 AMEND: 1338

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12/13/04 AMEND: 21570

**Title 28**

02/03/05 AMEND: 1000  
 11/22/04 ADOPT: 22900, 22910, 22920, 22930,  
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01/25/05	AMEND: 63-300, 63-504	
12/27/04	ADOPT: 63-508, 63-509 AMEND: 63-034, 63-102, 63-103, 63-300, 63-301, 63-410, 63-501, 63-503, 63-504, 63-505, 63-801, 63-804	12/10/04 ADOPT: 30-501, 30-502, 30-503, 30-504, 30-505, 30-506, 30-507, 30-900, 30-901, 30-902, 30-903, 30-904, 30-905, 30-906, 30-907, 30-908, 30-909, 30-910, 30-911, 30-912, 30-913, 30-914, 30-915, 30-916, 30-917, 30-918, 30-919, 30-920, 31-236 AMEND: 11-400,
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